

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DAVID EARL MILLER, et al.,)	
)	<u>CAPITAL CASE</u>
Plaintiffs,)	
)	
v.)	NO. 3:18-cv-01234
)	
TONY PARKER, et al.,)	JUDGE CAMPBELL
)	
Defendants.)	

ORDER

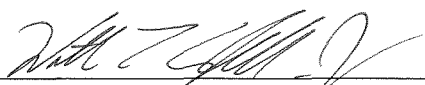
Plaintiff Miller has filed a second motion for temporary restraining order (Doc. No. 25), which the Court construes to be supported by the memorandum in support of his motion to reconsider the Court's November 16 Order, which largely denied Plaintiffs' previous motion for temporary restraining order or preliminary injunction. (Doc. Nos. 23, 24.) In light of the urgency of this matter, including Defendant Mays's November 20 deadline for Plaintiff Miller to choose electrocution, if that is his choice (*see* Doc. No. 19-2), the Defendants **MUST** respond to Plaintiff Miller's pending motion for temporary restraining order no later than 11 a.m. on Tuesday, November 20, 2018.

Defendants' response should be no more than 5 pages, and **MUST** address at least the following two issues:

1. Whether Defendants will voluntarily extend Plaintiff Miller's deadline to make his election pursuant to Tennessee Code Annotated § 40-23-114(b) to 5 p.m. Monday, November 26, 2018, or some other date within a reasonable time *after* Warden Mays notifies Plaintiff Miller of the method the Tennessee Department of Correction intends to use to carry out his execution; and
2. Whether Defendants will be able to proceed with Plaintiff Miller's execution as scheduled on December 6, 2018, by either method of execution, if Plaintiff Miller's deadline is so extended.

The Court may, if necessary, order supplementation of the response after considering Defendants' submission of the information required above.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE